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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

In re FACEBOOK BIOMETRIC  
INFORMATION PRIVACY LITIGATION

) Master File No. 3:15-cv-03747-JD

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This Document Relates To:

) PLAINTIFFS' ADMINISTRATIVE  
) MOTION TO FILE EXHIBITS TO  
) DECLARATION OF SHAWN WILLIAMS  
) UNDER SEAL PURSUANT TO CIVIL L.R.  
) 7-11 AND 79-5

ALL ACTIONS.  
\_\_\_\_\_ )

DATE: March 2, 2016  
TIME: 10:00 a.m.  
CTRM: 11, 19th Floor  
JUDGE: Honorable James Donato

1 Plaintiffs Nimesh Patel, Adam Pezen and Carlo Licata (collectively, "Plaintiffs") respectfully  
 2 submit this Administrative Motion for leave to file under seal exhibits to the Declaration of Shawn  
 3 A. Williams in Support of Plaintiffs' Opposition to Defendant's Motion for Summary Judgment.  
 4 Plaintiffs bring this motion pursuant to Civil Local Rules 7-11 and 79-5 and the June 13, 2007  
 5 Stipulated Protective Regarding Confidential Information ("Protective Order").

6 Plaintiffs move for leave to file the following under seal:

- 7 • Exhibits 1-3, 10-13, consisting of Facebook records are being filed under seal  
 8 in their entirety;
- 9 • Exhibit 4 to the Williams Declaration, a Deposition Transcript of Mark Pike,  
 taken February 11, 2016;
- 10 • Exhibit 5 to the Williams Declaration, a Deposition Transcript of Shannon  
 11 Chance, taken February 11, 2016;
- 12 • Exhibit 6 to the Williams Declaration, a Deposition Transcript of Adam  
 13 Pezen, taken February 18, 2016, is submitted under seal to the extent of Mr.  
 Pezen's personal email address and phone number, which are referenced at  
 48:1; 48:13; 51:25; and 96:8 of the transcript;
- 14 • Exhibit 7 to the Williams Declaration, a Deposition Transcript of Nimesh  
 15 Patel, taken February 16, 2016, is submitted under seal to the extent of Mr.  
 Patel's personal email address, which is referenced at 48:1; 48:13; 51:25; and  
 96:8 of the transcript;
- 16 • Exhibit 8 to the Williams Declaration, a Deposition Transcript of Carlo  
 17 Licata, taken February 17, 2016, is submitted under seal to the extent of Mr.  
 Licata's personal email address, which is referenced at 48:1; 48:13; 51:25;  
 18 and 96:8 of the transcript;
- 19 • Exhibit 9 to the Williams Declaration, a Deposition Transcript of Joachim De  
 Lombaert, taken February 11, 2016; and
- 20 • Redacted Version of Plaintiffs' Opposition to Defendant's Motion for  
 21 Summary Judgment.

22 Although plaintiffs do not necessarily believe it is critical to seal the designated documents  
 23 and information from the public record, especially in light of the "compelling reasons" test set  
 24 forth by the Ninth Circuit in *Kamakona v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir.  
 25 2006), plaintiffs have filed the instant motion so as to comply with the Protective Order. Dkt. No.  
 26 88.

27 Consistent with Rule 79-5(e), within four days of the filing of plaintiffs' Administrative  
 28 Motion to File Under Seal, the designating party must file with the Court and serve declarations

supporting the request to seal the protected material and must lodge and serve a narrowly tailored proposed sealing order, or the information at issue will be made part of the public record. Further, plaintiffs are providing the Court with redacted and unredacted, highlighted versions.

For the foregoing reasons, plaintiffs respectfully request that the Court grant plaintiffs' Administrative Motion to File Under Seal.

DATED: February 24, 2016

ROBBINS GELLER RUDMAN  
& DOWD LLP  
SHAWN A. WILLIAMS  
DAVID W. HALL

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s/ Shawn A. Williams  
SHAWN A. WILLIAMS

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CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2016, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 24, 2016.

\_\_\_\_\_  
s/ Shawn A. Williams  
SHAWN A. WILLIAMS

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## Mailing Information for a Case 3:15-cv-03747-JD In re Facebook Biometric Information Privacy Litigation

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## **Manual Notice List**

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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